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PUBLIC HEALTH LAWS OF ILLINOIS

AND

SANITARY MEMORANDA.

1896

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PUBLIC HEALTH LAWS
OF
ILLINOIS
AND
SANITARY MEMORANDA
FOR THE
INFORMATION AND USE
OF
Local Health Authorities and Others.

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ILLINOIS STATE BOARD OF HEALTH.

1896.

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SPRINGFIELD, ILL.
ED. F. HARTMAN, STATE PRINTER.
1896.

THE ILLINOIS SANITARY CODE.

PUBLIC HEALTH LAWS, RULES AND REGULATIONS.

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Public Health Authorities and Organizations:

The second section of An Act to create and establish a STATE BOARD OF HEALTH in the State of Illinois, approved May 28, 1877, in force July 1, 1877, reads as follows:

“The STATE BOARD OF HEALTH shall have the general supervision of the health and life of the citizens of the State. They shall have charge of all matters pertaining to quarantine; and shall have authority to make such rules and regulations, and such sanitary investigations as they may, from time to time, deem necessary for the preservation or improvement of public health; and it shall be the duty of all police officers, sheriffs, constables and all other officers and employees of the State, to enforce such rules and regulations, so far as the efficiency and success of the BOARD may depend upon their official co-operation.”*

Under this section says the Attorney General, broad duties devolve upon the STATE BOARD OF HEALTH, and ample power is given to enable them to discharge their duties. They not only have the right, but it is their duty, to make any and all rules and regulations which they may deem necessary to preserve the public health. Such rules and regulations, when promulgated, have the force and authority of law, and are to be enforced, if necessary, by the entire power of the State.

*The full text of this Act will be found at the beginning of the next section—SUMMARY OF EXISTING LEGISLATION, RULES AND REGULATIONS CONCERNING THE PUBLIC HEALTH.

The phrase, "all other officers and employees of the State," is held to mean *all other public officers and employees of the State*, and not merely State officers and employees; and under this interpretation the Attorney General decides that school officers are included, as well as all local health authorities.

There are four classes of local health organizations existing in the State, to-wit:

I. Boards of health of cities, towns and villages incorporated under the special act of the legislature.

II. Boards of health of cities, towns and villages incorporated under the general law.

III. Boards of health of townships in counties under township organization.

IV. Boards of health of counties not under township organization.

In cities, towns and villages incorporated under special acts, the charters creating them ordinarily provide who shall constitute the boards of health, or how they shall be appointed.

In cities, towns or villages incorporated under the general laws, the boards of health are appointed by the city council, or village board, by virtue of Section 62, *item* 76, Chapter 24, Revised Statutes.—See *Powers of City Councils and Village Trustees*.

In counties under township organization, the supervisor, assessor and town clerk constitute the board of health for their respective townships, by virtue of Section 127, Chapter 139, Revised Statutes.—See *Township Board of Health*.

In townships not under township organization, the county commissioners constitute the board of health for their respective counties, by virtue of their general powers to control and regulate the affairs and interests of the county.

Local Health Ordinance:

In framing a Model Sanitary Ordinance it has been attempted to make it simple, direct and comprehensive; and to secure in it substantial accord with existing legislation concerning the public health—a digest which will be found in the subsequent pages.

Only so much of the Model Ordinance as is applicable to any given locality should be adopted or included in the ordinance of such locality; but it is recommended—in order to secure uniformity and consequent greater efficiency, and facility of co-operation in cases of emergency or mutual concern—that existing health ordinances be made to conform to this, so far as practicable.

Township and county boards (constituted as above defined), should adopt such of these provisions as may be applicable to their respective localities, whenever conditions arise justifying their action as boards of health. Their powers under the statutes, to abate nuisances and otherwise to act for the protection of public health, will be found under the appropriate captions.

With such changes as may be made necessary by the provisions of special charters or acts of incorporation, the following forms of ordinance will be applicable to cities, towns and villages of the two classes first enumerated, viz: those incorporated under special acts, and those incorporated under the general law.

AN ORDINANCE.

FOR THE PROTECTION OF THE PUBLIC HEALTH.

Be it ordained by the [city council or president and board of trustees, as the case may be] of the [city or village] of..... county of....., State of Illinois:

*ARTICLE I. That there shall be appointed by the said [city council or president and board of trustees] a board of health in and for said [city or village.] The compensation of members, officers and employes of the board shall be fixed by the [city council or board of trustees] from time to time.

†ARTICLE II.—HEALTH OFFICER AND SANITARY POLICEMAN.

SECTION 1. That there shall be appointed by said board of health a medical health officer, who shall be a legally qualified physician, possessed of the requisite knowledge of sanitary science and of preventive medicine; and who shall be *ex-officio*, a member of said board of health, and whose duty it shall be to assist and advise the board in all matters relating to public health, and to superintend, under the direction of the board, the enforcement and observance of the provisions of this ordinance.

§ 2. That there shall be appointed by the said board of health a sanitary policeman or policemen, who shall assist the medical health officer, and perform the duties and service hereinafter indicated, or which may be prescribed by the said board, from time to time, for the preservation or improvement of the public health.

‡ARTICLE III.—BUILDINGS AND PREMISES.

SECTION 1. That whenever it shall come to the knowledge of the board of health, or of its officers or employees, that the

*See POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items *seventy-sixth, seventy-eighth, seventy-ninth, eighty-first, eighty-third*. Also TERRITORIAL JURISDICTION; JURISDICTION OVER WATERS; WATER WORKS; CEMETERIES.

All references, where not otherwise specified, are to subjects in the following pages.

† While other members of a board of health may be non-medical men—citizens, selected for their general intelligence, public spirit, and direct interest in the welfare and prosperity of the locality, and to whom, therefore, the general direction of measures for the protection of the public health may be safely and properly entrusted—the Medical Health Officer, the member *ex-officio*, should be a thoroughly educated physician, practically versed in sanitary matters, and skilled in the diagnosis and management of contagious and infectious diseases. Upon his technical knowledge, his wisdom and discretion, and his executive ability, largely depend the efficiency of the board and its success or failure in the prevention of disease and the promotion of health.

He should be one who can command the fullest confidence and respect of the community, and upon whose counsel and advice his fellow members may implicitly rely. Health boards are necessarily endowed with large discretionary powers—the preservation of public health may be rightly deemed a matter of supreme importance; and courts sustain them, to the fullest extent, in the exercise of these powers whenever it can be shown that their action was guided by a sound discretion, and was deemed necessary for the public welfare. It is, therefore, incumbent upon such boards that they be well and intelligently advised; and for such advice it will be true economy to make adequate compensation. These considerations should be taken into account in appointing, and in fixing the rate of pay of the Medical Health Officer.

‡ See POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items *sixty-first and eighty-first to eighty-fourth*, inclusive. Also NUISANCES: Items 6, 7 and 8. Sec. 221 and 222. Also PUBLIC BUILDINGS.

condition of any building or premises is injurious to the health or dangerous to the lives of the occupants or of the public, it shall be the duty of the medical health officer or sanitary policeman to make a thorough examination of the building or premises, and to direct and instruct as to the remedy of such condition; and if this be not remedied within a reasonable time, he shall report the facts to the board of health, who shall, thereupon, cause such building or premises to be put in good sanitary order, at the cost of the individual responsible for, or causing or permitting, such unhealthful condition.

* ARTICLE IV. — STREETS AND GROUNDS.

SECTION 1. That the deposit of offal, garbage, night-soil, or refuse of any description upon any street, alley, vacant lot, public grounds or premises, within the limits of the [city, town or village] of.....except by direction or written permission of the board of health, is declared an offence, and punishable as such.

§ 2. That it shall be the duty of the sanitary policeman to exercise a vigilant supervision over such places, and to notify any person found making such deposit, or responsible for the same, to remove the offending matter at once, and to properly cleanse the place. And if such removal and cleansing be not effected within twenty-four (24) hours after notification, the offending person or persons shall be punished by a fine not exceeding one hundred (100) dollars, and for a second offence by fine not exceeding two hundred (200) dollars, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and the necessary removal and cleansing shall be performed at the expense of such person or persons.

† ARTICLE V.—NUISANCES.

SECTION 1. That it is a public nuisance—

To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others;

To throw or deposit any offal or other offensive matter, or the carcass of any animal, in any water course, lake, pond, spring, well or common sewer, street or public highway;

To corrupt, or render unwholesome or impure, the water of any spring, river, stream, pond or lake, to the injury or prejudice of others;

To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals, or of the public.

* See POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items *seventh to twelfth*, inclusive; *thirteenth to sixteenth*, inclusive. Also TERRITORIAL JURISDICTION. Also NUISANCES: Items 1 and 5, Sec. 221.

† See POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items *fortieth and seventy-fifth*. Also NUISANCES.

§ 2. That it is hereby made the duty of the Board of Health of.....to cause the summary abatement of any such nuisance at the proper expense and cost of the party or parties responsible for, or permitting, the nuisance.

*ARTICLE VI.—SEWERS, PRIVIES AND CESS-POOLS.

SECTION 1. That no privy-vault or cess-pool for sewage shall be permitted in any part of the [city, town or village] of..... where a sewer is provided in front of the property lines; and no connection from any cess-pool or privy-vault shall be made with any sewer or drain-pipe; nor shall any opening be made in the sewer-pipe of a building for the purpose of affording surface drainage for the cellar, without proper provision against the access of sewer-air into the building.

§ 2. That no privy-vault, cess-pool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established or permitted within fifty feet of any well, spring or other source of water used for drinking or culinary purposes, without written permission from the board of health, based upon the advice of the medical health officer. And every privy-vault and cess-pool shall be cleaned, and the contents thereof removed, at least once before the first of May in each year.

§ 3. That all sewers or drains that pass within fifty feet of any source of water used for drinking or culinary purposes, shall be water tight.

†ARTICLE VII.—FOOD.

SECTION 1. That no article of food or drink intended for human use or consumption, nor any article of such food or drink, or which may be used in the composition or preparation of such food or drink, not being then healthy, fresh, sound, wholesome, fit and safe for such use; nor any animal or fish that died by disease or accident; and no carcass of any calf, pig or lamb, which, at the time of its death, was less than four weeks old, and no meat therefrom shall be brought within the limits of the [city, town or village] of.....and offered, or held for sale, as food, anywhere in said [city, town or village].

*See POWERS OF CITY COUNCIL AND VILLAGE TRUSTEES: Items *twenty-seventh, twenty-ninth and eighty-fourth*. Also NUISANCES; Sec. 232, items 1. Also SEWERAGE.

†See POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items *fiftieth, fifty-second, fifty-third*. Also FOOD-SUPPLY: WATER-SUPPLY.

*ARTICLE VIII.—SCHOOLS.

SECTION 1. That the board of health of.....shall have jurisdiction in all matters pertaining to the preservation of the health of those in attendance upon the public and private schools in the [city, town *or* village] of.....; to which end it is hereby made the duty of the said board of health—

To require that all persons attending said schools, either as teachers or pupils, shall have presented satisfactory evidence of proper and successful vaccination;

To exclude from said schools any person suffering with a contagious or infectious disease, or liable to convey such disease to those in attendance;

To make regular inspections of all school buildings and premises, as to their hygienic condition, and to report the result of such inspections to the [city council *or* board of trustees], and to those having charge and control of such schools, with instructions as to the remedy of conditions (if any such be found) whereby the health of those in attendance may be impaired or life endangered.

§ 2. That in the event of failure or refusal of those having such charge and control to carry out the instructions so given, then the board of health shall cause such faulty conditions to be remedied at the proper cost and expense of those having charge and control of the school or schools.

*ARTICLE IX.—CONTAGIOUS DISEASES.

SECTION 1. That the necessary rules and regulations concerning cholera, small-pox, yellow fever, diphtheria, scarlet fever, typhoid fever, and other contagious and infectious diseases, shall be enforced by the board of health of.....under the supervision of the medical health officer; and all public officers of the [city, town *or* village] of....., in their proper capacities, are hereby commanded and enjoined to assist the said board of health in the enforcement of said rules and regulations.

§ 2. That no person or thing liable to propagate any of the contagious diseases enumerated in Section 1 of this Article, shall be brought within the limits of.....without the special permit and direction of the board of health, and whenever it shall come to the knowledge of any person that such person or thing has been brought within such limits, he shall immediately give notice thereof to a member of the said board, together with the location thereof. No person shall, within the built-up portion of....., without a permit from the board of health, carry or remove from one building to another [*or from any vessel to the shore*†] any person afflicted with such contagious disease. Nor shall any person afflicted with such contagious disease, or liable to communicate and spread the contagion

*See ORDER OF STATE BOARD OF HEALTH Concerning Vaccination of School Children. Also POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items seventy-seventh and seventy-eighth. Also Rules and Regulations of STATE BOARD OF HEALTH Concerning Contagious and Infectious Diseases.

† Applicable only to localities having water communications.

thereof, be shipped or removed from.....to any other place, except under the charge and direction of the board of health, and with proper precautions against the spread of the contagion.

* ARTICLE X.—NOTIFICATION OF CONTAGIOUS DISEASES.

SECTION 1. That every householder within the limits of the [city, town or village] of....., in whose dwelling there shall occur a case of cholera, yellow fever, typhoid fever, scarlet fever, diphtheria, or small-pox, shall immediately notify a member of the board of health of the same; and until instructions are received from the said board, no clothing or other property that may have been exposed to the infection or contagion shall be removed from the house; nor shall any occupant of such infected dwelling change his residence elsewhere, without the consent of the said board, during the prevalence of any public danger from said disease. And all physicians or other attendants upon any person sick with small-pox, cholera, typhoid or scarlet fever, diphtheria, or other disease dangerous to the public health, shall forthwith report the same to some member of the said board of health; and said board shall at once notify the STATE BOARD OF HEALTH of the existence of such disease, and shall subsequently cause a full report to be made by the medical health officer to the Secretary of the STATE BOARD OF HEALTH, upon the blank forms furnished for that purpose.

† ARTICLE XI.—BURIALS

SECTION 1. That no burial or interment shall be lawful in the.....of....., nor shall any dead body be removed from said....., until a permit for such burial, interment or removal shall have first been obtained from the †.....of said.....

§ 2. That such permit shall be issued by the †..... upon his receipt of the usual certificate of death, signed by (1) the attending physician in the case; or, if none, by (2) one of the parents of the deceased; or, if none, by (3) the nearest of kin not a minor; or, if none, by (4) the resident householder where the death occurred; or, if none, by (5) any reputable citizen cognizant of the facts and circumstances of the death; or, if the death be the subject of an inquest, by (6) the coroner or other officer holding said inquest.

§ 3. That the †.....shall enter in a suitable book to be kept for that purpose, a record of all burial permits issued, specifying the date of issue and to whom issued, together with all the items of information contained in the certificates upon which the issue of such permits is based; and he shall forward to the county clerk of.....county, at the end of each month, all of said certificates so received during the month.

* See POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Item seventy-eighth. Also *Notification of Contagious Diseases*: Order of STATE BOARD OF HEALTH.

† See *Circular Letter of the STATE BOARD OF HEALTH Concerning Burial Permits*. Also *Form of Burial Permit*; also *Rules for the transportation of Corpses by Railroads and Steamboats*.

‡ Designated official.

§ 4. That the transportation or removal of bodies of persons who have died of small-pox, cholera, yellow fever, diphtheria, or other disease dangerous to the public health, is forbidden within the limits of.....except in conformity with the rules and regulations of the STATE BOARD OF HEALTH concerning the same. And no burial or exhumation of any body shall be permitted in the night-time unless for good reasons, to be entered in full upon the record book above provided for.

ARTICLE XII.—SANITARY INSPECTIONS.

SECTION 1. That the board of health shall cause a thorough sanitary inspection of the entire area within its jurisdiction to be made under the supervision of the medical health officer, at least once each year, and oftener if necessary. Such inspection shall include all matters affecting the public health; and a report of the sanitary conditions disclosed by the inspector shall be made to the [city council *or* board of trustees] of..... and to the STATE BOARD OF HEALTH, upon the blanks furnished for that purpose by the STATE BOARD.

* ARTICLE XIII.—DISEASED ANIMALS.

SECTION 1. That no domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or be exposed in any public place, whereby the health of man or beast may be affected, within the limits of.....; nor shall such diseased animals be shipped, or removed, from the premises of its owner, except under the supervision of the board of health of....., or of the State Veterinarian. And it is hereby made the duty of the board of health to secure such disposition of any diseased animal, and such treatment of infected premises, as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act; and in all such cases the board of health shall co-operate with the State Veterinarian so far as such co-operation may be necessary to the protection of the health of the citizens of.....

† ARTICLE XIV.—PENALTIES.

SECTION 1. That the violation of any of the foregoing provisions or any interference with the board of health in its execution and enforcement of this ordinance, shall be punishable by fine, not exceeding two hundred (200) dollars for each offense, or by imprisonment not exceeding six (6) months for each offense, or by both such fine and imprisonment at the discretion of the court.

* See DI-EASES OF ANIMALS.

† See POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES:—City councils and village trustees have the power "to pass all ordinances, rules, and make all regulations, proper or necessary to carry into effect the powers granted to cities and villages, with such fines or penalties as the city council or board of trustees shall deem proper; *Provided*, no fine or penalty shall exceed \$200, and no imprisonment shall exceed six months, for one offense"—*Revised Statutes*, Chapter 24, Section 62, Item *ninety-Six*.

*ARTICLE XV.--ORDINANCE IN FORCE.

SECTION 1. That this ordinance shall be in force from and after its passage and publication.

Commentary upon the foregoing Ordinance:

At the request of the STATE BOARD OF HEALTH, the Attorney General has furnished the following commentary and opinion upon the validity of the provisions of the Local Health Ordinance above given:

"In accordance with your request I have made a careful and detailed examination of the Health Ordinance prepared by you for the use of cities, towns and villages in this State, and published in 'Public-Health Laws of Illinois and Sanitary Memoranda,' issued by the STATE BOARD OF HEALTH, and I note the following views concerning the legality of the same:

"Article I, II, III, IV, V, VI and VII are each specifically authorized by the different paragraphs of Sec. 62, Chap. 24, Revised Statutes. Some question might be made as to the power to compel the persons causing the unhealthy condition of buildings and premises to pay the cost of putting them again in a sanitary condition (Art. III), but I find such power sustained by the courts and our best law writers.

"In the case of *Harrison v. The City of Baltimore*, 1 Gill. 264, the Supreme Court of Maryland held the consignee of a vessel coming into port with small-pox on board, responsible for the cost not only of fumigating and purifying the vessel, but also for the cost of cleansing the passengers and their baggage, although it could not be said that the consignee was in any way responsible for the small-pox being on board; but some one connected with the vessel was deemed responsible, and in this way only could he be reached.

"Judge Dillion, in his work on *Municipal Corporations*, Sec. 93, lays down the rule that every citizen holds his property subject to the proper exercise of the police power, which power Judge Scott, in the case of *The Town of Lake View v. Rose Hill Cemetary*, defined to be 'that inherent and plenary power in the State which enables it to prohibit all things hurtful to the comfort, safety and welfare of society.' It is sometimes called the law of 'overruling necessity.' Judge Dillion further says of this power: 'Of this nature is the authority to suppress nuisances, preserve health, prevent fires, to regulate the use and storing of dangerous articles, to establish and control markets and the like.' And again, in Sec. 303, he says: 'Our municipal corporations are usually invested with power to preserve the health and safety of the inhabitants. This is indeed one of the chief purposes of local governments.'

* * * "All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture shall, within one month after they are passed, be published at least once in a newspaper published in the city or village; or if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until after it is so published.—*Revised Statutes*, Chapter 24, Section 64,

"It would seem, then, that there can be no doubt of the power of the city council by ordinance to compel the person responsible for, or permitting, an unhealthy condition of any building or premises, to pay the costs of cleansing it. It was by his default the expense became necessary, and it is but just that he should repay such expense.

"Concerning Art. VIII, on the subject of schools, I have no doubt that the power to exclude from schools any and all persons—teachers as well as children—who have been exposed to infectious or contagious diseases, or who, in the judgment of competent authority, are liable to contract and transmit such diseases, is properly exercised by the city council or board of trustees through its agent, the local board of health. The highest authority in the State on this subject, to-wit: the STATE BOARD OF HEALTH, has decided that the vaccinal protection of school children and teachers is necessary for the prevention of the epidemic spread of small-pox, as well as for the safety of the schools from the danger of being interrupted and closed by this disease. There can be no question that the courts would sustain the validity of any municipal enactment supported by this authority.

"Article VIII, therefore, I find to be sustained by the authorities and by the statutes.

"Article IX, concerning contagious diseases, is fully authorized under paragraphs seventy-seven and seventy eight of Sec. 62, id. In the case heretofore cited of *Harrison v. Baltimore*, the Supreme Court of Maryland, in speaking of the power conferred in the charter of the city, 'to enact all ordinances necessary to preserve the health of the city, prevent and remove nuisance, and to prevent the introduction of contagious diseases,' said: 'To accomplish, within the specified territorial limits, the objects enumerated, the corporate authorities were clothed with all the legislative powers which the General Assembly could have exercised. Of the degrees of necessity for such municipal legislation, the mayor and city council of Baltimore were the exclusive judges. To their sound discretion is committed the selection of the means and manner (contributory to the end) of exercising the powers which they might deem requisite to the accomplishment of the objects of which they were made the guardians.

"Our general laws concerning towns and cities are now, under the constitution of 1870, the charters of all towns and cities in the State not still acting under special charters, and the powers given by such general laws are powers that each incorporated town and city in the State may exercise.

"Article X, concerning the notification of the existence of contagious diseases, is one that must commend it itself to every one. The failure of any person to give proper notification of the existence of such diseases, may be the direct cause of many deaths, and the remote cause of wholesale loss of life, and under the power given to the city council to suppress disease, this is one of the most important acts in the exercise of that power,

and a failure to comply strictly with this portion of the ordinance should be visited with the heaviest penalties.

“The clause requiring notice to be given to the STATE BOARD OF HEALTH of the existence of such disease, so that measures may be taken to prevent the spread of contagion to other portions of the State, is fully as important.

“Article XI, concerning burials, is sustained by incontrovertible authority. Dillon, in his work on Municipal Corporations, Sec. 306, says: ‘The public health, comfort and convenience are concerned in the proper regulation of burials; and the evils resulting from its neglect are especially to be apprehended in the crowded population of cities.’ The courts also have universally sustained all reasonable regulations made by cities and towns concerning burials. Our Supreme Court, in the case of *Lake v. Rose Hill*, above cited, says: ‘There is nothing in nature but may be the instrument of mischief, and the burial of the dead may be so done as to be most injurious in its consequences to the people in the vicinage’

“The general argument for such an enactment is well set forth in the Circular Letter of the STATE BOARD, to which reference is made to the foot note to this article, and which is summarized in the following:

“*First*.—It will be of value in securing fuller, more accurate and more readily available knowledge of the causes of death—a knowledge which is absolutely necessary to the profitable application of efforts for the preservation of health, the limitation of diseases and the prolongation of human life.

“*Second*.—It will be of value in the protection of life against criminal violence, by facilitating the detection of such violence through preventing the burial of victims of homicide, abortion, poisoning, etc., without proper investigation.

“*Third*.—It will be of value in the protection of property interests, by making the facts pertaining to a death and burial matters of record, which may be useful in probating wills, settling estates, determining heirship, perfecting letters, adjusting life insurance, and kindred matters.

“Article XII, on Sanitary inspection, is also sustained by authority, and is so proper and reasonable in itself that no question of its validity can be maintained.

“The Article XIII, on Diseased Animals, is in harmony with the State laws upon that subject, and the power is given to the town or city under paragraphs seven and eight of Sec. 62, before mentioned.

“Finally, I have no doubt of the validity and sufficiency of the ordinance under discussion. Its provisions are in accord with the statutes, or are based upon well-settled principles of common law. It is comprehensive, without being cumbersome in detail. Its machinery is simple, and wisely secures a defined responsibility in a single official—the medical health officer, whose qualifications, duly prescribed, should be sufficient

guaranty for the timely, intelligent and judicious enforcement of the precautions and observance necessary for the protection of the life and health of the citizen.

“As to its efficiency, it is to be observed that there is no more liberal law or charter in existence than is given to the councils of cities, and the trustees of towns and villages, by Sec. 62, Chap. 24, of the revised Statutes, for the almost absolute and unrestrained control of the agencies affecting the public health. And it is upon this authority that the ordinance in question is based. Concerning the force and effect of such an ordinance, the Supreme Court of Illinois, in the case of *Mason et al. v. The City of Shawneetown*, (77 Ill. 533) says: ‘When an incorporated town or city has been invested with power to pass an ordinance, by the legislature, for the government or the welfare of the municipality, an ordinance enacted by the legislative branch of the corporation has the same force and effect of a law passed by the legislature, and cannot be regarded otherwise than as a law of and within the corporation. An ordinance is the law of the inhabitants of the municipality.’

“With this endorsement of their power, with the knowledge that every enlightened person has of the protection afforded by the use of reasonable care, and with the positive assurance that life will be the sacrifice if care is not exercised, how can any city or town councilman justify himself, here or hereafter, if for the want of attention to his duties in the passage of laws protecting the health of the citizen even a single life should be lost?

SUMMARY OF EXISTING LEGISLATION CONCERNING THE BOARD OF HEALTH.

State Board of Health Act:

AN ACT to Create and Establish a STATE BOARD OF HEALTH in the State of Illinois. Approved May 25, 1877; in force July 1, 1877.

APPOINTMENT OF MEMBERS; TERM OF OFFICE; VACANCIES: SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Governor, with the advice and consent of the Senate, shall appoint seven persons, who shall constitute the BOARD OF HEALTH. The persons so appointed shall hold their offices for seven years: *Provided*, that the terms of office of the seven first appointed shall be so arranged that the term of each one shall expire on the thirtieth day of December of each year, and the vacancies so created, as well as all vacancies occurring otherwise, shall be filled by the Governor, with the advice and consent of the Senate: *And provided, also*, that appointments made when the Senate is not in session may be confirmed at its next ensuing session.

POWERS AND AUTHORITY OF THE BOARD: § 2. THE STATE BOARD OF HEALTH shall have the general supervision of the interests of the health and life of the citizens of the State. They shall have charge of all matters pertaining to quarantine; and shall have authority to make such rules and regulations, and such sanitary investigations, as they may from time to time deem necessary, for the preservation or improvement of public health; and it shall be the duty of all police officers, sheriffs, constables, and all other officers and employes of the State, to enforce such rules and regulations, so far as the efficiency and success of the BOARD may depend upon their official co-operation.

REGISTRATION OF BIRTHS AND DEATHS: § 3. THE BOARD OF HEALTH shall have supervision of the State system of registration of births and deaths, as hereinafter provided; they shall make up such forms and recommend such legislation as shall be deemed necessary for the thorough registration of vital and mortuary statistics throughout the State. The Secretary of the BOARD shall be the superintendent of such registration. The clerical duties and the safe keeping of the bureau of vital statistics thus created, shall be provided by the Secretary of State.

PHYSICIANS AND ACCOUCHEURS TO REGISTER AND REPORT: § 4. It shall be the duty of all physicians and accoucheurs in this State to register their names and postoffice address with the county clerk of the county where they reside; and said physi-

cians and accoucheurs shall be required, under penalty of ten dollars, to be recovered in any court of competent jurisdiction in the State, at suit of the county clerk, to report to the county clerk, within thirty days from date of their occurrence. all births and deaths which may come under their supervisions, with a certificate of the cause of death, and such correlative facts as the BOARD may require, in the blank forms furnished as herein-after provided.

REPORT OF BIRTH OR DEATH IN ABSENCE OF PHYSICIAN OR ACCOUCHEUR: § 5. Where any birth or death shall take place, no physician or accoucheur being in attendance, the same shall be reported to the county clerk within thirty days from date of [its] occurrence, with the supposed cause of death, by the parent, or if none, by the nearest of kin, not a minor, or if none, by the resident householder where the death shall occur, under penalty as provided in the preceding section of this act.

CORONER TO REPORT DEATHS: § 6. The coroners of the several counties shall be required to report to the county clerk all cases of death which may come under their supervision, with the cause and mode of death, etc., as per forms furnished, under penalty as provided in section four (4) of this act.

DISPOSITION OF PENALTIES: § 7. All amounts recovered under the penalties herein provided shall be appropriated to a special fund for the carrying out of the object of this law.

COUNTY CLERKS TO KEEP REGISTERS AND RECORDS: § 8. The county clerks of the several counties in the State shall be required to keep separate books for the registration of the names and postoffice address of physicians and accoucheurs, for births, for marriages, and for deaths; said books shall always be open to inspection without fee; and said county clerks shall be required to render a full and complete report of all births, marriages and deaths to the Secretary of the BOARD OF HEALTH, annually, and at such other times as the BOARD may direct.

BOARD TO PREPARE FORMS FOR REPORTS: § 9. It shall be the duty of the BOARD OF HEALTH to prepare such forms for the record of births, marriages and deaths as they may deem proper; the said forms to be furnished by the Secretary of said BOARD to the county clerks of the several counties, whose duty it shall be to furnish them to such persons as are herein required to make reports.

MEETINGS OF THE BOARD: § 10. The first meeting of the BOARD shall be within fifteen days after their appointment, and thereafter in January and June of each year, and at such other times as the BOARD shall deem expedient. The meeting in January of each year shall be in Springfield. A majority shall constitute a quorum. They shall choose one of their number to be President, and they may adopt rules and by-laws for their government, subject to the provisions of this act.

OFFICERS AND COMPENSATION: § 11. They shall elect a Secretary, who shall perform the duties prescribed by the BOARD, and by this act he shall receive a salary which shall be fixed

ly the BOARD; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of the BOARD shall receive no compensation for their services, but their traveling and other expenses, while employed on business of the BOARD, shall be paid. The President of the BOARD shall quarterly certify the amount due the Secretary, and on presentation of his certificate, the Auditor of State shall draw his warrant on the Treasurer for the amount.

ANNUAL REPORT: § 12. It shall be the duty of the BOARD OF HEALTH to make an annual report, through their Secretary or otherwise, in writing, to the Governor of this State, on or before the first day of January of each year, and such report shall include so much of the proceedings of the BOARD, and such information concerning vital statistics, such knowledge respecting diseases, and such instruction on the subject of hygiene, as may be thought useful by the BOARD for dissemination among the people, with such suggestions as to legislative action as they may deem necessary.

APPROPRIATION: § 13. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated to pay the salary of the Secretary, meet the contingent expenses of the office of the Secretary, and the expenses of the BOARD, and all costs for printing, which, together, shall not exceed the sum hereby appropriated; said expenses shall be certified and paid in the same manner as the salary of the Secretary.

OFFICE ROOM: § 14. The Secretary of State shall provide rooms suitable for the meetings of the BOARD, and office room for the Secretary.

Powers of City Councils and Village Trustees:

CITY COUNCILS in cities and presidents of boards of trustees in villages, incorporated under the general law, have the following powers by Chapter 24 of the Revised Statutes, Section 26:

Seventh—To lay out, to establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and to vacate the same.

Eighth—To plant trees upon the same.

Ninth—To regulate the use of the same.

Tenth—To prevent and remove encroachments or obstructions upon the same.

Eleventh—To provide for the lighting of the same.

Twelfth—To provide for the cleansing of the same.

Thirteenth—To regulate the opening therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however,* that any company organized under the general laws of this State; or any association of persons organized, or which

may be hereafter organized, for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys or any city or village in this State, subject to such regulations as any such city or village may by ordinance impose.

Fourteenth—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of or along the same free from snow and other obstructions.

Fifteenth—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground.

Sixteenth—To provide for and regulate crosswalks, curbs and gutters.

Twenty-first—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

Twenty-seventh—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city; and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such track may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open, and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

Thirtieth—To deepen, widen, dock, cover, wall, alter or change the channel of water-courses.

Fortieth—To provide for the cleansing and purification of waters, water-courses and canals, and the drainage or filling of ponds on private property, whenever necessary to prevent or abate nuisances.*

Forty ninth — To establish markets and market-houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

* See, also, section relating to WATER-SUPPLY

Fifty second—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetable, cotton, tobacco, flour, meal and other provisions.

Fifty seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Sixty-first—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire-escapes therein.

Seventy-fifth—To declare what shall be a nuisance and abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a board of health and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninty—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

Eighty-first—To direct the location and regulate the management and construction of packing-houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and foundries within the limits of the city or village.

Eighty-third—To prohibit any offensive or unwholesome business or establishment within, or within one mile of, the limits of the corporation.

Eighty fourth—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Ninety sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed \$200, and no imprisonment shall exceed six months, for one offense.

Territorial Jurisdiction: The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof.—*Revised Statutes*, Chap. 24, Sec. 44.

Jurisdiction over Waters: An act to define the jurisdiction of the cities and incorporated towns bordering on the Ohio river. [Approved March 26, 1872. In force July 1, 1872.]

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That each of the several cities and incorporated towns of this State, lying on the Ohio river, and bounded thereby, are hereby invested with jurisdiction over their river fronts, and shall have jurisdiction over the waters of the said river in all cases occurring on said river, and opposite to each of said cities or incorporated towns, co-extensive with the jurisdiction of the several counties in this State in which said cities or incorporated towns may lie: *Provided*, nothing herein contained shall be construed so as to extend the jurisdiction of said cities or incorporated towns over any island in said river included within the corporate limits of any county of the State of Kentucky.

Township Board of Health:

CHAPTER 139, Article XIV, of the Revised Statutes, provides that—

1. The supervisor, assessor and town clerk of every town shall constitute a board of health, and on the breaking out of any contagious disease in their town or immediate vicinity, they shall have power to make and enforce any rules and regulations tending to check the spread of such disease within the limits of such town, as they may think proper; and for this purpose they shall have power to shut up any house or place where any infected persons may be, and cause notices of warning to be put thereon, or remove such persons to any pest house within the limits of said town, at the expense of the party so moved, if he be of sufficient ability to pay, or otherwise at the expense of said town: *Provided*, that nothing in this section shall apply to any town, or part thereof, lying within the corporate limits of any incorporated city or village.—[L. 1865, p. 75, § 1.]

2. The town clerk shall keep a full record of all the doings of said board, and report the same to the annual meeting of such town.—[L. 1865, p. 76, § 2.]

3. The members of said board shall be allowed for their time spent in the performance of their said duties the sum of \$1.50 per day, which, together with all bills by them contracted, and all sums of money by them expended, shall be audited by the board of auditors of such town, and be paid in the same manner as other town expenses.—[L. 1865, p. 76, § 2.]

Nuisances:

SECTION 221, Chapter 38, of the Criminal Code, declares that it is a public nuisance—

1. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

2. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any water course, lake,

pond, spring, well or common sewer, street, bridge or public highway.

3. To corrupt or render unwholesome or impure the water of any spring, river, pond or lake, to the injury or prejudice of others.

4. To obstruct or impede, without legal authority, the passage of any navigable river or waters.

5. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

6. To carry on the business of manufacturing gunpowder, nitro-glycerine, or other highly explosive substances, or mixing or grinding the materials therefor, in any building within twenty rods of any valuable building erected at the time such business may be commenced.

7. To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within fifty rods of any occupied dwelling house.

8. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals, or of the public.

9. To advertise wares or occupation by painting notices of the same on, or affixing them to, fences or other private property, or on rocks or other natural objects, without the consent of the owner; or, if in the highway or other public place, without permission of the proper authorities: *Provided*, that nothing in this section shall be construed to prevent the municipal authorities of any incorporated city, town or village from declaring what shall be nuisances, and abating the same within their limits.

SEC. 222. Whoever causes, erects or continues any such nuisance shall, for the first offense, be fined not exceeding \$100, and for a subsequent offense shall be fined in a like amount, and confined in the county jail not exceeding three months. Every such nuisance, when a conviction therefor is had in a court of record may, by order of the court before which the conviction is had, be abated by the sheriff or other proper officer, at the expense of the defendant, and it shall be no defense to any proceeding under this section, that the nuisance is erected or continued by virtue or permission of any law of this State.*

While there can be no question as to the right and duty of a board of health to cause the summary abatement of a nuisance arising from any one of the first three causes specified in the form for an ordinance, it should be remembered, that

*See, also, POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items *fifteenth, fortieth, seventy-fifth, eighty-first to eighty-fourth*, inclusive.

these are patent and obvious nuisances, concerning the nature of which there can be no difference of opinion, and that this may or may not be the case in the remaining items (4 to 8, inclusive) of the section above quoted from the Criminal Code. What is not nuisance in itself cannot be abated by a board of health, until it is adjudged to be so employed as to be inimical to public health or safety. Any classification of nuisances will be necessarily imperfect; yet for the purposes of this subject it may be said that public health nuisances are of two kinds: 1. Those which are such from their very nature; which can not exist in the vicinity of habitations without causing offense to the senses and injury to the health: such, for instance, as exposed and decayed carcasses of dead animals, or accumulations of offal or of fecal matter in exposed places. 2. Those which become nuisances by reason of misuse or negligent care exercised of an otherwise harmless and perfectly lawful object, business, occupation; as, for example, slaughter-houses, rendering establishments, mill-ponds or burying-grounds.

The methods of procedure to be adopted for the removal of any nuisance will vary according as the nuisance to be abated comes within one or the other of these classifications. If the danger to the public health is imminent, and safety requires the immediate suppression of the nuisance, the board of health, and any individual affected thereby, would be protected if they should proceed at once to suppress it, for the safety of the people is the highest law. If any unhealthy nuisance is found in a public place, it would be the duty of the board to see to its removal. On the other hand, a mill-pond, a slaughter-house or a burial-ground are not necessarily offensive or unhealthy, and their use is perfectly legal. It is only their misuse that makes them a nuisance. A mill-pond may be maintained in the midst of a thickly populated community without being in the slightest degree detrimental to the public health. A slaughter-house may be conducted with such perfect cleanliness as to be no more offensive in a sanitary sense than a planing-mill. Whether a business or a thing not in itself a nuisance is so managed or suffered to exist to be a nuisance, is a fact which must be determined by the courts upon evidence. A board of health cannot decide that to be a nuisance which is not so in itself. Only upon the judgment of a court of competent jurisdiction can a board of health legally ascertain whether a business is a nuisance, so as to authorize them to abate it. Of course, any collection of offal or filth about a slaughter-house may be removed by a board of health under the authority conferred on it by the statutes; but the suppression of the business itself can only follow a judicial determination that it is so conducted as to be injurious to the public health.

It would be well for the members of every board of health to acquaint themselves as fully as possible with all the facts relating to any existing nuisance or thing which may become a nuisance within their jurisdiction, and apply to these facts

the existing law, and thus ascertain in what way they shall proceed to prevent or remove the same. Misdirected zeal is sometimes as harmful as lack of zeal. Therefore, in cases involving doubt it is always advisable to take legal counsel before proceeding to extreme measures.

Food Supply.*

ADULTERATION OF FOOD, LIQUOR, CANDIES OR MEDICINE.—Chapter 38, Division 1, of the Criminal Code, provides that—

§ 7. Whoever fraudulently adulterates, for the purpose of sale, bread or any other substance intended for food, or any candy or confection, with any substance which is poisonous or injurious to health, and whoever sells or offers or keeps for sale any adulterated bread or other substance intended for food, or candy or confection, knowing the same to be so adulterated, or shall sell or offer to sell or keep for sale any flesh of any diseased animal, or other corrupt or unwholesome provision, shall be confined in the county jail not exceeding one year, or be fined not exceeding \$1,000, or both, in the discretion of the court.

§ 8. Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, and whoever sells or offers or keeps for sale any such liquor so adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both.

§ 10. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells or offers or keeps for sale any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, and such adulterated drugs and medicine shall be forfeited and destroyed.

§ 62. Every druggist or other person who shall sell and deliver any arsenic, strychnine, corrosive sublimate, prussic acid, or other substance or liquid usually denominated as poisonous, without having the word "poison" written or printed upon a label attached to the phial or parcel in which such drug is contained, or shall sell and deliver any drug or medicine other than upon the prescription of a physician, without having the name of such drug or medicine printed or written upon a label attached to the phial or parcel containing the same, shall be fined not exceeding \$25.

§ 63. If any druggist or other person sells or gives away any arsenic, strychnine, corrosive sublimate or prussic acid without the written prescription of a physician, and fail to keep a record of the date of such sale or gift, the article and amount

* See, also, POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES: Items forty-ninth to fifty-third, inclusive.

thereof sold or given away, and the person to whom delivered, he shall be fined not exceeding \$50 for each neglect. Whoever purchases any such poison and gives a false or fictitious name, shall be punished in the same manner.

ADULTERATIONS OF ARTICLES OF FOOD, DRINK OR MEDICINE.
—An act to prevent and punish the adulteration of articles of food, drink and medicine, and the sale thereof when adulterated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no person shall mix, color, stain or powder, or order or permit any other person in his or her employ to mix, color, stain or powder, any article of food with any ingredient or material, so as to render the article injurious to health, or depreciate the value thereof, with intent that the same shall be sold; and no person shall sell or offer for sale any such article so mixed, colored, stained or powdered.

§ 2. No person shall, except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder, any drug or medicine with any ingredient or material, so as to affect injuriously the quality or potency of such drug or medicine, with intent to sell the same, or shall sell or offer for sale any such drug or medicine so mixed, colored, stained or powdered.

§ 3. No person shall mix, color, stain or powder any article of food, drink or medicine, or any article which enters into the composition of food, drink or medicine, or any article which enters into the composition of food, drink or medicine, with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale, or order or permit any person to sell or offer for sale any article so mixed, colored, stained or powdered, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such articles of food, drink or medicine, at the time of making sale thereof or offering to sell the same.

§ 4. No person shall mix oleomargarine, suine, butterine, beef-fat, lard or any other foreign substance, with any butter or cheese intended for human food, without distinctly marking, stamping or labeling the article, or the package containing the same, with the true and appropriate name of such article, and the percentage in which such oleomargarine or suine enters into its composition; nor shall any person sell or offer for sale, or order or permit to be sold or offered for sale, any such article of food into the composition of which oleomargarine has en-

tered, without at the same time informing the buyer of the fact and the proportions in which such oleomargarine, suine or butterine, beef-fat, lard, or any other foreign substance, has entered into its composition: *Provided*, that nothing in this act shall be construed as to prevent the use of harmless coloring-matter in butter and cheese, or other articles of food.

§ 5. Any person convicted of violating any provision of any of the foregoing sections of this act shall, for the first offense, be fined not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200); for the second offense he shall be fined not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), or be confined in the county jail not less than one month nor more than six months, or both, at the discretion of the court; and for a third and all subsequent offenses he shall be fined not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000) and imprisoned in the penitentiary not less than one year nor more than five years.

§ 6. No person shall be convicted under any of the foregoing sections of this act if he shows to the satisfaction of the court or jury that he did not know that he was violating any of the provisions of this act, and that he could not, with reasonable diligence, have obtained the knowledge.

§ 7. The State's attorneys of this State are charged with the enforcement of this act, and it is hereby made their duty to appear for the people and to attend to the prosecution of all complaints under this act, and their respective counties, in all courts.

§ 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

MILK.--An act to regulate the sale of milk, and to provide penalties for the adulteration thereof. Approved May 28, 1879. In force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whoever shall, for the purpose of sale for human food, adulterate milk with water or any foreign substance, or whoever shall knowingly sell for human food, milk from which cream has been taken, without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell, for human food, milk from which what is commonly called "stripping" has been withheld, without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food, milk drawn from a diseased cow, knowing her to be so diseased as to render her milk unwholesale, or whoever shall knowingly sell for human food, milk so tainted or corrupt as to be unwholesome, or whoever shall knowingly supply, or bring to be manufactured into any substance for human food, to any cheese or butter factory or creamery, without all interested therein knowing or being informed of the fact, milk which is adulterated with water or any foreign substance, or milk from which cream has been taken, or milk from which what is commonly called

"strippings" has been withheld, or milk drawn from a diseased cow, knowing her to be so diseased as to injure her milk, or milk so tainted or corrupt as to be unwholesome, or whoever shall knowingly, with intent to defraud, take from milk after it has been delivered to a cheese-factory, or butter-factory, or creamery, to be manufactured into any substance for human food, for or on account of the person supplying the milk or cream, or shall, with like intent, knowingly add any foreign substance to the milk or cream, whereby it or the products thereof shall become unwholesome for human food, shall be guilty of a misdemeanor, and for each and every such misdemeanor shall be fined not less than twenty-five (\$25) nor more than one hundred dollars (\$100), or confined in the county jail not exceeding six (6) months, or both, in the discretion of the court.

§ 2. Any person who shall adulterate milk, with the view of offering the same for sale or exchange, or shall keep cows for the production of milk for market, or for sale or exchange, in an unhealthy condition, or knowingly feed the same on food that produces impure, diseased or unwholesome milk, shall be deemed guilty of a misdemeanor, and, on conviction shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), for each and every offense.

§ 3. Any person or persons who shall, in any of the cities of this State, engage in or carry on a retail business in the sale, exchange of, or any retail traffic in milk, shall have each and every can in which the milk is carried or exposed for sale or exchange, and the carriage or vehicle from which the same is vended, conspicuously marked with his, her, or their name or names, also indicating by said mark the locality from which said milk is obtained or produced; and for every neglect of such marking, the person or persons so neglecting shall be subject to the penalties expressed in section two of this act, but for every violation of this act by so making said cans, carriage or vehicle so as to convey the idea that said milk is produced or procured from a different locality than it really is, the person or persons so offending shall be subject to a fine of one hundred dollars (\$100).

§ 4. Any person who shall, in any of the cities in this State, offer for sale any milk from which the cream or any part thereof has been taken, shall offer for sale and sell the same as skimmed milk, and not otherwise, and shall have each can or vessel in which such milk is carried, or exposed for sale, plainly and conspicuously marked with the words, "Skimmed Milk." Any person violating this section shall be subject to a fine not exceeding fifty dollars (\$50) for each and every violation.

§ 5. Upon the rendition of judgment imposing a fine as provided in the foregoing sections, it shall be the duty of the justice of the peace or other court rendering such judgment, also to render a judgment for the costs, and forthwith to issue a *capias* or warrant of commitment against the body of the defendant, commanding that unless the said fines and costs be forth-

with paid, the defendant shall be committed to the jail of the county, and the constable or other officer to whose hands said *capias* or warrant shall come, shall, in default of such payment, arrest the defendant and commit him to the jail of the county, there to remain, as provided by section 308 of "An act to revise the law in regard to criminal jurisprudence," in force July 1, 1874, unless such fine and costs shall sooner be paid.

§ 6. The addition of water or any foreign substance to milk or cream intended for sale or exchange, is hereby declared an adulteration. Any milk that is obtained from cows fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, is hereby declared to be impure and unwholesome. Nothing in this act shall be construed to prevent the addition of sugar in the manufacture of condensed or preserved milk.

§ 7. Section nine (9) of division one (1) of an act entitled "An act to revise the law in relation to criminal jurisprudence" (approved March 27, 1874), and all other acts and parts of acts inconsistent herewith, are hereby repealed.

BUTTER AND CHEESE.—An act to prevent frauds in the manufacture and sale of butter and cheese. Approved May 31, 1879. In force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whoever manufactures, sells, or offers for sale, or causes the same to be done, any substance purporting to be butter or cheese, or having the semblance of butter or cheese, which substance is not made wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll or parcel of substance, and each vessel containing one or more packages of substance, have distinctly and durably painted, stamped or marked thereon the true and appropriate name of such substance, in ordinary bold-faced capital letters not less than five-lines pica, shall be punished as provided in section three of this act.

§ 2. Whoever shall sell any such substance as is mentioned in section one of this act, to consumers, or cause the same to be done, without delivering with each package or parcel so sold, a label on which is plainly printed, in Roman letters, the true and appropriate name of such substance, shall be punished as is provided in section three of this act.

§ 3. Whoever knowingly violates section one or section two of this act, shall be fined in any sum not less than ten nor more than three hundred dollars, or imprisoned in the county jail not less than ten nor more than ninety days, or both, in the discretion of the court: *Provided*, that nothing contained in this act shall be construed to prevent the use of skimmed milk, salt rennet or harmless coloring matter in the manufacture of butter or cheese.

BUTTER AND CHEESE.—An act to prevent the adulteration of butter and cheese, or the manufacture or sale of any article as a substitute for butter or cheese, or any article to be used as butter or cheese. Approved June 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whoever manufactures, out of any oleaginous substances, or any compound of the same other than that produced from unadulterated milk, or cream from the same, any article designed to take the place of butter or cheese produced from pure, unadulterated milk, or cream of the same, and shall sell or offer for sale the same as butter or cheese, or give to any person the same as an article of food, as butter or cheese, shall, on conviction thereof, be fined not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

VINEGAR.—An act to prevent the adulteration of vinegar, and to prevent fraud and imposition in the manufacture and sale of vinegar, and to protect the purchasers thereof. Approved June 14, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every person who shall manufacture for sale, or shall offer or expose for sale, as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively of said apple cider, shall, for each such offense, be punished by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50).

§ 2. Every person who shall manufacture for sale, or who shall offer or expose for sale, any vinegar found upon test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health, shall, for each such offense, be punished by a fine of not less than one hundred dollars (\$100).

CANNED OR PRESERVED FOOD.—An act to protect the public from imposition in relation to canned or preserved food.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall hereafter be unlawful in this State for any packer or dealer in preserved or canned fruits and vegetables or other articles of food to offer such canned articles for sale after January 1, 1886, with the exception of goods brought from foreign countries, or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that pack the same, or dealer who sells the same. The firm, person or corporation labeling such goods shall be considered the packer or packers.

§ 2. That all soaked goods put up from products dried before canning, shall be plainly branded on the face of the label,

in letters not less than one-half inch high and three-eighths inch wide, of solid and legible type, the word "soaked."

§ 3. Any person, firm or corporation who shall falsely stamp or label such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling, and any person, firm or corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and punished with a fine of not less than fifty dollars (\$50) in the case of vendors, and in the case of manufacturers and those falsely or fraudulently stamping or labeling such cans or jars, a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000); and it shall be the duty of any board of health in this State cognizant of any violation of this act, to prosecute any person, firm or corporation which it has reason to believe has violated any of the provisions of this act, and after deducting the costs of trial and conviction, to retain for the use of such board the balance of the fine or fines recovered.—Approved June 27, 1885.

Water Supply:

SECTION 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of pumps, wells, cisterns, reservoirs or water-works, and to borrow money therefor, and to authorize any person or private corporation to contract and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps cisterns, reservoirs or water-works.

§ 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; and shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water-works, shall extend five miles beyond its corporate limits, or so far as such water-works may extend. —[*Revised Statutes, Chapter 24, Article 10.*]

SUPPLY BY CONTRACT.*—An act to enable cities [incorporated towns] and villages to contract for a supply of water for public use. Approved April 9, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all cities [incorporated towns] and villages where water-works may hereafter be constructed by an incorporated company, the city [town] or village authorities in such cities [incorporated towns]

* The words enclosed in [brackets] are made parts of this act by an amendatory act, approved June 28, 1885.

and villages may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.

§ 2. Any such city or village so contracting, may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

WATER-WORKS.—An act to amend section one (1) of an act entitled "An act authorizing cities, incorporated towns and villages to construct and maintain water works," approved and in force April 15, 1873. Approved and in force May 15, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, that section one (1) of an act entitled "An act authorizing cities, incorporated towns and villages to construct and maintain water works," approved and in force April 15, 1873, be and is hereby amended so as to read as follows:

§ 1. That all cities, incorporated towns and villages in this State be and are hereby authorized and shall have power to provide for a supply of water for the purpose of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages, by the erection, construction and maintaining of a system of water-works, or by uniting with any adjacent city, incorporated town or village in the erection, construction and maintaining of a system of water-works for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having water-works: *Provided*, that all contracts for the erection or construction of such works, or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks' public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper published in such city, town or village, or, if no newspaper is published therein, then in some newspaper published in the county: *And provided, further*, that no member of the city council, or board of trustees or mayor, shall be directly or indirectly interested in any such contract, and in all cases the council or board of trustees, as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

SOURCE OF SUPPLY MAY BE CHANGED. — An act to aid cities owning or operating water-works to secure an additional or better supply of pure water. Approved May 27, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all cities owning or operating water-works under any charter granted by act of any General Assembly of this State, or under the general incorporation laws of this State, whether by boards of water commissioners or officers appointed for that purpose, are hereby granted the following powers and privileges, for the purpose of increasing or bettering the source of supply from which such water is obtained,

§ 2. Whenever, in the judgment of a majority of any board of water commissioners, or if there be no such board, then in the judgment of a majority of the city council of any city owning or operating such water-works, it shall be necessary for the public health, or for any other cause, to increase the source of water-supply, or to substitute for it such better source as, in their judgment, the interests of such city may demand, such board of water commissioners or city council may, in addition to the powers already conferred upon them by act of any General Assembly of this State, construct wells, either by boring or excavation, and protect and equip the same after construction, or may lease water-privileges from private parties or corporations owning wells already or hereafter to be constructed, and may pay for such construction or lease, and for the expenses maintained in operating the same, out of any earnings of such water-works under their control which may be in their hands at the time of the taking effect of this act, or which may accrue to them hereafter: *Provided*, that no money shall be expended under the provisions of this act, for the purposes herein specified, until the question of the expenditure of such money for the purposes aforesaid shall have been submitted to a vote of the people of the city in which such water-works may be situated, at any election for city officers, or special election called for that purpose by the city council of said city, and shall have received a majority of the votes cast at such election: *Provided, further*, that no money shall be expended under the provisions of this act, for the purposes aforesaid, other than the surplus earnings of such water-works.

***Sewerage:**

CONTRACT FOR SEWERAGE.—An act to enable cities, towns and villages to contract with each other for sewerage. Approved May 14, 1879. In force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever any city, or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other, upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other; and further, that any such sewer or drain, or system of sewerage or drainage, constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may, by contract with each other, provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

*See, also, POWERS OF CITY COUNCILS AND VILLAGE TRUSTEES. Items *thirteenth, twenty-ninth, thirtieth and fifty-seventh.*

§ 2. The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract, and every such contract, when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

Public Buildings:

TO REGULATE MEANS OF EGRESS.—SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all public buildings now in process of construction, or hereafter to be built or constructed, which may or shall be used for churches, school-houses, operas, theatres, lecture-rooms, hotels, public meetings, town-halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall open outward; and that all means of egress from the building shall be by means of doors which shall open outward from the main hall or building.

§ 2. That any person or persons who shall fail or refuse to comply with the provisions of this act, shall be fined in any sum not less than \$100, nor more than \$1,000.

§ 3. That in all cities and towns having a population of two thousand inhabitants and unwards, the mayor or other corporate authority of said town or city, shall be empowered, and is hereby authorized, to close and prohibit all public buildings hereafter erected from being used in violation of this act.

In force July 1, 1874.

FIRE ESCAPES.*—An act relating to fire escapes from buildings.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That within six (6) months next after the passage of this act, all buildings in this State which are four or more stories in height, except such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire escapes, attached to the outer walls thereof, and extending from or suitably near the ground to the uppermost story thereof, and provided with platforms of such form and dimensions, and in such proximity to one or more windows of each story above the first, as to render access to such lad-

ders or stairs, from each such story, easy and safe: the number, location, material and construction of such escapes to be subject to the approval of the board of supervisors in counties under township organization, and the board of county commissioners in counties not under township organization, except in villages, towns and cities organized under any general or special law of this State, such approval shall be had by the corporate authorities of such villages, towns and cities: *Provided, however*, that all buildings more than two stories in height, used for manufacturing purposes, or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire escape for every fifty (50) persons for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls which provide seating room above the first or ground story, shall be provided with such numbers of such ladder or stair fire escapes as the board of supervisors or commissioners or corporate authorities aforesaid may direct.

§ 2. All buildings of the numbers of stories and used for the purposes set forth in section one (1) of this act, which shall be hereafter erected within this State, shall, upon or before their completion, each be provided with fire escapes of the kind and number, and in the manner set forth in section one (1) of this act.

§ 3. After the expiration of six (6) months next after the passage of this act, the boards of supervisors and commissioners, and in villages, towns and cities the corporate authorities thereof, as aforesaid, may, at any time, direct the sheriff of their respective counties to serve a written notice, in behalf of the People of the State of Illinois, upon the owner or owners, trustees, lessee, or occupant of any building within their county, not provided with fire escapes in accordance with the requirements of this act, commanding such owners, trustees, lessee or occupant, or either of them, to place, or cause to be placed, upon such building such fire escape or escapes within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also, during any term, visit or hear testimony relating to any building or buildings within their respective counties, for the purpose of ascertaining whether it or they are provided with fire escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook county, and to the criminal court of Cook county; and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustees, lessee or occupant of such building or buildings.

§ 4. Any such owner or owners, trustees, lessee or occupant, or either of them, so served with notice as aforesaid, who shall

not, within thirty (30) days after the service of such notice upon him or them, place or cause to be placed such fire escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five (25) or more than two hundred (200) dollars, and to a further fine of fifty (50) dollars for each additional week of neglect to comply with such notice.

§ 5. All the money or moneys collected as fines under and by virtue of this act, shall be paid into or placed to the credit of the common school fund of the counties in which they are collected. Approved June 29, 1885.

Burial Permits:

At a regular meeting of the STATE BOARD OF HEALTH, held April 13-15, 1882, the following resolution was adopted:

Resolved, That in order to protect the legal interests of survivors, to facilitate the detection of crime, and to secure fuller and more accurate knowledge of the causes of mortality, whereby preventive medicine and general sanitation may be promoted, the ILLINOIS STATE BOARD OF HEALTH earnestly recommends to the the proper authorities of all cities and towns in this State having populations of one thousand or over, the enactment and enforcement of a suitable ordinance requiring a burial permit from a designated official, and based upon a physician's certificate of death *now required by the statute*, as a condition precedent to interment within, or removal of a decedent without, the corporate limits of any such city or town.

The following form of such ordinance was prepared by the BOARD in 1882, and has since been adopted and is enforced in many cities and towns:

AN ORDINANCE IN RELATION TO BURIAL PERMITS.

Be it ordained by the.....of the.....
of.....in the county of.....in the State
of Illinois:

1. That no burial or interment shall be lawful in the.....
of....., nor shall any dead body be removed from said
....., until a permit for such burial, interment or
removal shall have been first obtained from the.....of
said.....

2. That such permit shall be issued by the.....
upon his receipt of the usual certificate of death, signed by (1)
the attending physician in the case; or, if none, by (2) by one
of the parents of the deceased; or, if none, by (3) the nearest
of kin not a minor; or, if none, by (4) by the resident house
holder where the death occurred; or, if none, by (5) any repu-
table citizen cognizant of the facts and circumstances of the
death; or, if the death be the subject of an inquest, by (6) the
coroner or other officer holding said inquest.

3. That any undertaker or sexton, and each and every other
person engaged or concerned in a burial in violation of the pro-

visions of this ordinance, and the officers and employes of any transportation company, or any other person or persons engaged or concerned in the removal of a dead body from saidin violation of the provisions of this ordinance, shall be subject to a fine of not less than.....(.....) dollars, nor more than.....(.....) dollars for each offense.

4. That the.....shall enter in a suitable book to be kept for that purpose, a record of all burial permits issued, specifying the date of issue and to whom issued, together with all the items of information contained in the certificates upon which the issue of such permits is based; and he shall forward to the county clerk of.....county, at the end of each month, all of said certificates so received during the month.

That this ordinance shall be in force from and after its passage and publication.

The following is the form of permit in use:*

Burial Permit No.....

Office of [City or Town Clerk, or other officer].

[Name of Place.]

.....188..
Permission is hereby given.....to remove
for interment, the remains of.....
Date of Death:188.. Age:..years,..months,..days..
Place of Death:
Cause of Death:
Medical Attendant:

[Official Title of Person issuing]

[Stub or Counterfoil to be retained.]

Burial Permit No.....

[Name of Place.]

.....188..
Name of
Deceased:
Age:years, months,days..
Sex:; Color:
Date of Death:188..
Place of Death:
Cause of Death:
Medical Attendant:
Place of Interment:
Issued to:

It should be observed that wherever such an ordinance is adopted the certifying physician is relieved of the necessity of transmitting his certificates direct to the county clerk, but will

* These may be obtained, bound in book form, from leading stationers in Chicago, who make a specialty of public printing, forms, etc.

simply return them to the designated city or town official, who will forward them to the county clerk after using them as the bases for the burial permit. This has been found to work well practically in places where burial permits are required. It helps to secure a more general compliance with the laws requiring physicians to report all deaths occurring under their supervision, with certificates of the causes thereof.

The manifest object of the State law is to secure such knowledge of the causes of mortality as may be led to measures for removing or modifying such causes as are susceptible of removal or modification. This is of primary importance to cities and towns, since a reputation for healthfulness, or the reverse, undoubtedly influences the growth and prosperity of any given locality. By means of the burial permit and its record the facts contained in the physician's certificate may be made immediately available for this purpose, while they cannot be where returned direct to the county clerk. From the "suitable books" prescribed in the ordinance, a weekly or monthly report may be compiled for publication, either in the newspaper press or otherwise, and thus the condition of, and the influences affecting, the public health may be accurately judged at any given time, and comparison made with other localities.

When burial permits are required—as they are in many places—the existence of a contagious disease—as small-pox, scarlet fever, diphtheria—has often first been made known by the information given in the permit, which thus serves to direct preventive measures for arresting further spread of the contagion.

On the other hand, in the absence of a burial permit many evils arise, among which may be mentioned the fact that the bodies of murdered persons may be more easily disposed of. Within a brief period three such instances have come to the Secretary's knowledge where the bodies of victims were buried without exciting suspicion. Accidental clues led to disinterment and discovery of the crimes.

Briefly, the reasons for the enactment of such an ordinance may be thus summarized:

First—It will be of value in securing fuller, more accurate, and more readily available knowledge of the causes of death—a knowledge which is absolutely necessary to the profitable application of efforts for the preservation of health, the limitation of disease, and the prolongation of human life.

Second—It will be of value in the protection of life against criminal violence, by facilitating the detection of such violence through preventing the burial of victims of homicide, abortion, poisoning, etc., without proper investigation.

Third—It will be of value in the protection of property interests, by making the facts pertaining to a death and burial, matters of record which may be useful in probating wills, settling estates, determining heirships, perfecting letters, adjusting life insurance, and kindred matters.

Cemeteries:

AN ACT in relation to the control of public graveyards. Approved May 29, 1879. In force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* public graveyards in this State, not under control of any corporation sole, organization, or society, and located within the limits of cities, villages, towns, townships or counties not under township organization, shall and may be controlled or vacated by the corporate authorities of such city, village, town, township or county, in such manner as such authorities may deem proper, and in the case of towns, such control may be vested in three trustees, to be elected annually by the voters of such towns at the annual town meeting therein.*

*See also, POWERS OF CITY COUNCILS AND VILLAGE BOARDS: Item *Seventy-ninth*

RULES AND REGULATIONS CONCERNING THE PUBLIC HEALTH.

Vaccination of School Children:

At the January, 1894, meeting of the STATE BOARD OF HEALTH, the Order of the BOARD concerning the vaccination of school children was reaffirmed, and extended so as to cover parochial as well as public schools.

In accordance with this action of the BOARD, County Superintendents of Schools, School Directors, Trustees and Teachers, are hereby reminded that the admission of any child to a public or parochial school in this State, without presenting satisfactory evidence of proper and successful vaccination is prohibited.

The following extracts from opinions of the Attorney General, define the rights and duties of all concerned in the matter:

Under the Revised Statutes of Illinois, Chapter 126a, Section 2, broad duties are devolved upon the STATE BOARD OF HEALTH, and ample power is given to enable them to discharge such duties. They not only have the right, *but it is their duty*, to make any and all rules and regulations which they may deem necessary to preserve the public health. Such rules and regulations, when promulgated, *have the force and authority of law*, and are to be enforced, if necessary, by the entire power, including school officers, etc., of the State.

* * * As to the authority of school directors to enforce the rules of the STATE BOARD OF HEALTH in reference to vaccination, I have the honor to say that section 2 of the act creating the STATE BOARD OF HEALTH, declares that "it shall be the duty of all police officers, sheriffs, constables, and all other officers and employes of the State, to enforce such rules and regulations, so far as the efficiency of the BOARD may depend upon their official co-operation." These are the words of the law, and it includes school directors with all other officers. In enforcing the orders of the BOARD OF HEALTH, of course the law will protect them in using any necessary means to carry out these orders, even to the extent, should it become necessary, *of excluding from the school those who refuse to comply.*

Based upon these opinions, the BOARD unanimously adopted the following resolution:

Resolved, That the power of the STATE BOARD OF HEALTH, under the law creating said BOARD, to order the vaccination of all school children, is clear and unquestionable. The consequent duty of Boards of School Directors to see that such order is strictly enforced in their respective districts, is equally clear, and the said Order of the BOARD OF HEALTH is their sufficient warrant for so doing.

Should any Board of Directors refuse or neglect to carry out said Order, they may be proceeded against for neglect of duty; and should any such Board be prosecuted for enforcing said Order, they may, if necessary, employ counsel to defend them in such suits, and pay said counsel out of any school funds of their district not otherwise specifically appropriated.

The protection of the public health from loathsome and deadly small pox is a paramount obligation, and nothing can or should or will excuse School Boards, or other officers or persons concerned, from doing their whole duty in the premises.

The object of this measure is to make sure that children in attendance at the public and parochial schools are properly protected against small pox, to the end that their health and lives may be preserved, and interruption of schools by the disease may be avoided. Evidence of this protection will be most readily and usefully afforded by means of the *Certificate* (Form 292) prepared and furnished by the STATE BOARD, of which the following is a copy:

ILLINOIS STATE BOARD OF HEALTH—PERSONAL CERTIFICATE OF
VACCINATION.

(1)....., Ill.

I HEREBY CERTIFY that I have, this (2).....day of.....189..., examined (3).....and pronounce (4) ^{him,}_{her,} in my judgment, properly protected against SMALL-POX or VARIOLOID by reason of (5) (A) Successful *recent* primary vaccination. (B) Successful *recent* re-vaccination. (C) ...unsuccessful *recent* attempts at vaccination. (D) Previous attack of small-pox or varioloid.

(6).....M. D.

Explanation of figures: 1—Write in the name of city, town or village. 2—Date. 3—Give name in full. 4—Strike out superfluous pronoun. 5—Check the initial "A," "B," "C" or "D," which indicates the "reason." If it be "C," insert number of attempts. 6—Signature of certifying physician, *who should in all cases be a legally qualified physician.*

Children over the age of fourteen years (approximately)—that is, who have passed through the developmental changes occurring about this age, and which changes are known to frequently impair the protective power of vaccination performed prior thereto—can be certified to as "properly protected" only after they have been successfully vaccinated, or revaccinated, as the case may be, *subsequent* to this age. In case, however, a given child has passed the age mentioned, and such changes have not yet taken place, *re-vaccination* is not indispensable, *provided* the evidence of a successful primary vaccination is conclusive. The physician is the sole judge in each case.

A certificate from a legally qualified physician that a given child is protected by a previous attack of small-pox or varioloid; or that it would be dangerous at the present time to vaccinate a given child; or that such insusceptibility has been demonstrated as, in itself, amounts to protection—shall be accepted by school authorities in lieu of the “satisfactory evidence” required by this order.

All vaccinations should be performed by competent medical men; or, if by a non-professional person of sufficient skill and experience, *the result must be examined and certified to by a legally qualified physician*. Such authority only is competent to pronounce upon the sufficiency of vaccinal protection, or upon the danger or inadvisability of performing the operation at a given time, or in certain conditions of the system.

In case of failure in a *primary* vaccination, the attempt should be repeated often enough (at intervals of a fortnight) to demonstrate the insusceptibility of the child. Five repetitions are not too many, and it not unfrequently happens that the seventh, eighth or ninth attempt is successful. Where less than five repetitions are advised by the physician, he must assume the responsibility of asserting the proper protection of the child. His certificate to that effect shall be received by the school authorities as entitling the child to school attendance.

If more than one in five primary vaccinations are failures, the physician should suspect the quality of his virus, and obtain a supply from a new source. With most physicians it undoubtedly is unnecessary to urge the importance of examination at a proper interval after the operation. Such examination should be always made, because, among other reasons, without it the vaccinator deprives himself of the only proof of the value of the virus employed, and his vaccinees may thence be reposing in a false security, which may prove disastrous.

TO SCHOOL AUTHORITIES.—I. The execution of this Order is necessarily devolved upon the various officers of public and parochial instruction—County Superintendents, School Directors, Trustees and Teachers—each and all of whom are hereby authorized and directed to aid in its enforcement in their respective capacities. In all cases, however, the assistance and co-operation of the local health authorities should be invited.

Much of the success of this effort to protect the children from a loathsome pestilence will depend upon the wisdom, firmness and intelligent action of the school authorities. Timely notification and instruction will save much unnecessary friction; and exact information will soon dispel ignorant and bigoted opposition. It only needs that the public be rightly informed to secure ready coöperation. All inquiries will be promptly answered by the Secretary, and every available facility afforded for meeting emergencies.

II. County Superintendents are respectfully requested to secure a prompt distribution of the copies of the Order, certificates, returns, etc., forwarded to them; to explain to Directors and Teachers the scope of the Order, and to advise as to the methods of its enforcement. It is especially desired that they communicate fully and promptly to the Secretary's office any difficulties encountered, and suggestions which their individual knowledge of local conditions and circumstances may warrant.

III. School Directors are the immediate source of authority for the action of Teachers under this Order. In addition to the resolution concerning the duty of School Boards already quoted, the Attorney-General says that the law which directs all officers and employes of the State to enforce the rules and regulations of the STATE BOARD OF HEALTH, unquestionably includes School Directors. He adds: "In enforcing the orders of the BOARD OF HEALTH, of course the law will protect them [the School Directors] in using any necessary means to carry out the orders, even to the extent, should it become necessary, of excluding from the schools those who refuse to comply." Instructions to this effect should, therefore, be given to Teachers by their Directors.

Provision should be made by School Boards for the gratuitous vaccination of the children of those unable to pay for the same. Local boards of health have the right to do this at the expense of town, county or city funds. Where there are no regularly organized boards of health the county commissioners act in that capacity, or the supervisors, assessors and town clerks of townships. These officers have all the power, authority and responsibility of a board of health, and will generally be found quite willing to assist in this method of protecting the public health.

IV. Teachers—who should, in all cases, have been revaccinated within the past five years—should familiarize themselves with the form of the Scholar's certificate; see that it is properly filled out when presented; make a record of its data for their own use; fill up the blank return and forward said return to their County Superintendent.

All returns should be made through the County Superintendent, who, after examination, will forward them to the office of the STATE BOARD in Springfield.

Concerning Contagious and Infectious Diseases:

The following *Rules and Regulations of the ILLINOIS STATE BOARD OF HEALTH, Concerning Contagious and Infectious Diseases*, are applicable to Small-Pox, Diphtheria, Scarlet Fever, Typhoid Fever, Asiatic Cholera, and Yellow Fever; and their enforcement and observance are enjoined upon all local health authorities:

1. ISOLATION AND QUARANTINE. —Whenever it is known that any person is sick with small-pox or varioloid, diphtheria, scarlet fever, typhoid fever, Asiatic cholera or yellow fever,

isolation of the individual must be promptly and rigidly enforced. The local authorities must be at once notified of the case by the householder in whose dwelling the case occurs, and of its exact locality.

2. DUTIES OF HEALTH AUTHORITIES.—Immediately upon receipt of such notice, the medical health officer should visit the locality and secure prompt compliance with the precautions herein set forth. He should see that proper placards are duly posted; and, through the sanitary policeman, or otherwise, should notify the schools; take charge of funerals of those dying of the disease; superintend the disinfection of rooms, clothing and premises; and, finally, give official certificates of recovery, and of freedom from liability to communicate the disease to others. Until these latter are issued, a rigid system of isolation or quarantine should be maintained with regard to an infected house and its contents—persons and things.

Where there is no medical health officer, the attending physician should see that the following precautions are carried out:

The Sick-Room.—The room selected for the sick should be large, easily ventilated, and as far from the living and sleeping-rooms of other members of the family as it is practicable to have it. All ornaments, carpets; drapery, and articles not absolutely needed in the room, should be removed. A free circulation of air from without should be admitted both by night and by day—there is no better disinfectant than pure air. Place the bed as nearly as possible in the middle of the room, but care should be taken to keep the patient out of draughts. In cold weather, whenever it is possible, there should be an open fire in the sick-room. An open fire is the best ventilation for a room in cold weather, and it should be used for the sick-room even when register or steam heat is used.

If the room connects with others which *must be occupied*, lock all but one door for entrance and exit to the sick-room, and fasten to the door-frames—top, bottom and sides—sheets of cheap cotton cloth, keep wet with *Standard Disinfectant No. 2*, (see page 48). Over the door to be used, the sheet must not be tacked at the bottom nor along the full length of the lock-side of the frame, but about five feet may be left free to be pushed aside; this sheet, however, must be long enough to allow ten or twelve inches to lie in folds on the floor and must also be kept wet with the disinfectant.

Precautions in the Sick-Room.—All discharges from the nose and mouth of the patient should be received on rags and immediately burned. Night vessels should be kept supplied with a quart or so of *Standard Disinfectant No. 2*, into which all discharges should be received. All spoons, dishes, etc., used or taken from the sick-room, should be put in boiling water at once.

A pail or tub of *Standard Disinfectant No. 3*—two ounces to a gallon of water—(see page 49) should be kept in the sick-room, and into this all clothing, blankets, sheets, towels, etc.,

used about the patient or in the room, should be dropped immediately after use, and before being removed from the room. They should then be well boiled as soon as practicable.

Attendants.—Not more than two persons—one of them a skillful professional nurse, if possible—should be employed in the sick-room, and their intercourse with other members of the family should be as much restricted as possible.

In the event that it becomes necessary for an attendant to go away from the house, a complete change of clothing should be made, using such as has not been exposed to infection; the hands, face and hair should be washed thoroughly with disinfectant soap and water. There is a variety of good disinfectant soaps for sale by druggists; use the one recommended by the attending physician.

Miscellaneous.—No inmate of the house, during the continuance of the disease, should venture into any public conveyance, or assemblage, or crowded building, such as a church or school; nor, after its termination, until permission is given by the health authorities.

Letters must not be sent from the patient, and all mail matter from the house should first be subjected to a dry heat of 250-260 deg. F.

Domestic animals, dogs, cats, etc., should not be allowed to enter the room of the patient, or, better still, should be excluded from the house.

During the entire illness the privy should be thoroughly disinfected with *Standard Disinfectant No. 2*, four or five gallons of which should be thrown into the vault every day. Water-closets should be disinfected by pouring a quart or so of this disinfectant into the receiver after each use.

Care after Recovery.—There is danger of communicating the disease directly, from one recovering from Scarlet Fever, so long as there is any soreness of the eyes, nose or air-passages; or any symptom or dropsy; but, more especially, so long as the skin continues to peel off. Although the latter process is usually completed within about forty days from the beginning of the sickness, cases happen, sometimes, when it lasts even seventy or eighty days. No matter how long this period may be, the child should be considered dangerous until all scaling or peeling of the skin has ceased. Vaseline, cosmoline, olive oil or lard should be used, in the discretion of the attending physician, to anoint the skin, in order to prevent the scales from being scattered about and so spreading the contagion.

When recovery is complete, and the skin smooth and free from scales, the child should be bathed all over, at least twice or oftener, and the hair thoroughly washed each time, before being allowed to leave the house. This bathing should be under the direction of the family physician, at such times and in such manner as he thinks prudent, and with the disinfectant soap recommended by him.

4. No person, after recovering, should appear in public wearing the same clothing worn while sick or recovering from Scarlet Fever, until such clothing has been thoroughly disinfected, and this without regard to the time which has elapsed since recovery. Nor should a person from premises in which there is or has been a case of Scarlet Fever attend any school, Sunday school, church, or public assembly, or be permitted by the health authorities or by the school board to do so, until after disinfection of such premises and of the clothing worn by such person if it has been exposed to the contagion of the disease.

5. Cases of Scarlet Fever should be promptly reported to the proper health authorities, either by the attending physicians or by the householders. Plain and distinct notices, in the form of placards, should be placed upon the house or premises where there is a case of Scarlet Fever, and children, especially, should not be allowed to enter such house. Notice should also be given to all public schools, of the locality of any house in which there is Scarlet Fever, and the scholars should be cautioned against visiting or playing on the infected premises.

6. Immediately upon receipt of notice of the existence of a case of Scarlet Fever, the health officer should visit the locality and secure prompt compliance with the precautions above set forth. He should see that the proper placards are duly posted; should notify the schools; take charge of funerals of those dying of this disease; superintend the disinfection of rooms, clothing and premises; and, finally, give official certificates of recovery, and of freedom from liability to communicate the disease to others. Until these latter are issued a rigid system of isolation or quarantine should be maintained with regard to an infected house and its contents—persons and things.

Where there is no health officer, the attending physician should see that the above precautions are carried out.

7. In the event of death, the body should be wrapped in a disinfectant sheet thoroughly soaked in one of the *Standard Disinfectants Nos. 1 or 2*, and placed in an air-tight coffin, *which is to remain in the sick-room until removed for burial*. No public funeral should be allowed either at the house or church, and no more persons should be permitted to go to the cemetery than necessary to inter the corpse.

8. After a recovery or death, all articles worn by, or that have come in contact with the patient, together with the room and its contents, should be thoroughly disinfected by burning sulphur. To do this, have all windows, fire-places, flues, key-holes, doors and openings securely closed by strips or sheets of paper pasted over them. Then place on the hearth or stove, or on bricks set in a wash-tub containing an inch or so of water, an iron vessel of live coals, upon which throw three pounds of sulphur for every 1,000 cubic feet of space in the room. (The sulphur should be thoroughly moistened with

alcohol.) Closets opening into the room should have proportionate quantities of sulphur burned in them at the same time. All articles in the room and others of every description that have been exposed to infection, which cannot be washed or subjected to dry heat, and yet are too valuable to be burned, must be spread out on chairs or racks; mattresses or spring-beds set up so as to have both surfaces exposed; window-shades and curtains laid out at full length, and every effort made to secure thorough exposure to the sulphur fumes. The room should then be kept tightly closed for twenty-four hours. A sulphur candle, with plain directions for use, is sold by druggists; it is safer and more convenient than loose sulphur and alcohol.

The object of disinfection in the sick-room is, mainly, the destruction of infectious materials attached to surfaces, or deposited as dust upon window-ledges, mouldings, door-frames, in crevices, etc. If the room was properly cared for and ventilated during the sickness, and especially if it was stripped of carpets, curtains and unnecessary furniture at the beginning, the difficulties of disinfection will be greatly reduced.

After the sulphur fumigation all surfaces should be thoroughly washed with *Standard Disinfectant No. 1*, diluted with three parts of water, or with 1-1000 solution of corrosive sublimate; or with *Standard Disinfectant No. 2*, four ounces to the gallon of water. Walls and ceilings, if plastered, should be brushed over with one of these solutions and then lime-washed; if papered, the paper should be removed and the exposed surfaces then brushed over with the solution.

Especial care must be taken to wash away all dust from every part of the room and to apply the solution liberally to crevices and out-of-the-way places where dust may settle. After such application of the disinfectant, open doors and windows for twenty-four hours, and then scrub all wood work, floors, etc., with soap and hot water.

The articles which have been subjected to fumigation should be exposed for several days to sunshine and fresh air. If the carpet has unavoidably been allowed to remain on the floor during the illness, it should not be removed until after the fumigation; but must then be taken up, beaten and shaken in the open air, and allowed to remain out of doors for a week or more. If not too valuable, it should be destroyed; but, whenever practicable, it should be removed from the room at the beginning of the illness.

After the above treatment has been thoroughly enforced, the doors and windows of the room should be kept open as much as possible for a week or two. Where houses are isolated, articles may be exposed out of doors. The entire contents of the house should be subjected to the greatest care, and when there is any doubt as to the safety of an article *it should be destroyed*.

All this work shall be done—both the disinfection and the destruction of property—under the direct supervision of the local authorities.

9. Such articles of clothing, bedding, etc., as can be washed should first be treated by dipping in the *Standard Disinfectant* No. 3—two ounces to the gallon of water; they should then be immediately and thoroughly boiled for at least half an hour. The ticking of beds and pillows used by the patient should be treated in the same manner, and their contents, if hair or feathers, should be thoroughly baked in an oven. If this cannot be done, they should be destroyed by fire, as should, in any event, all straw, husk, moss, or “excelsior” filling. The clothing of the nurses should be thoroughly fumigated and disinfected before it is taken from the house, or, better still, burned, if feasible.

STANDARD DISINFECTANTS.

For general use: Sunlight, fresh air, soap and water, thorough cleanliness, are the best disinfectants.

For special purposes, the following solutions are good, simple and cheap:

STANDARD DISINFECTANT NO. 1.

Dissolve chloride of lime of the best quality in pure water, in the proportion of four ounces (a quarter of a pound) to the gallon.

One quart of this solution for each discharge in scarlet or typhoid fever or other contagious or infectious disease. Mix well and leave in the vessel for an hour or more before throwing into privy vault or water closet. The same for vomited matter. For a very copious discharge, especially in cholera, use a larger quantity; and for solid or semi-solid matter use the solution in double strength. Discharges from the mouth and throat should be received into a cup half full of the solution, and those from the nostrils upon soft cotton or linen rags which should be immediately burned.

The chloride of lime must be of the best quality; poor chloride of lime is worthless.

STANDARD DISINFECTANT NO. 2.

Dissolve corrosive sublimate, permanganate of potash and muriate of ammonia in pure water in the proportions of two drachms of each to the gallon.

Use for the same purposes and in the same way as No. 1. Equally effective, but slower in its action, so that it is necessary to let the mixture (disinfectant and infectant material) stand about four hours before disposing of it. It is best to empty the mixture into a wooden pail and leave it for twenty-four hours,

when it may be thrown into the vault or water closet, or into a hole dug in the ground for that purpose, in some suitable spot. This solution is odorless, while the chloride of lime solution is often objectionable in the sick room on account of its smell.

This disinfectant is *highly poisonous*, and will *injure lead pipes* if passed through them in large quantities without free flushing.

STANDARD DISINFECTANT NO. 3.

Dissolve four ounces of corrosive sublimate and one pound of sulphate of copper in one gallon of water.

Use this for disinfecting clothing and bed clothes. Add a tea-cup of it to two gallons of water. Soak the clothes in it for two hours, then wring them out and boil them. This solution is poisonous, and must not be kept in metal vessels, nor poured into lead pipes without free flushing.

Solutions of corrosive sublimate should not be made or kept in metal vessels. A wooden tub, barrel, or pail or an earthen jar should be used for such solutions.

Disinfection of Privy Vaults, Cess pools, etc.—When the excreta or discharges (not previously disinfected) of patients suffering with any contagious disease have been thrown into a vault this becomes infected and dangerous. Disinfection should be resorted to as soon as the fact is discovered or even suspected.

Disinfectant No. 3, diluted one part to three of water, may be used in the proportions of one gallon of the diluted solution to every four gallons (estimated) of the contents of the vault. All exposed portions of the vault, and wood work should be thoroughly wet with the solution.

To keep a vault disinfected during the progress of an epidemic—or even a single case of contagious disease, sprinkle chloride of lime freely over its contents daily. Or if the odor of chloride be objectionable apply daily four or five gallons of disinfectant No. 2, which should be made by the barrel, for this purpose, and keep in a safe place where children and animals cannot get at it.

[Special instructions in English and German, concerning each individual disease above specified, are to be found in the PREVENTABLE-DISEASE CIRCULARS prepared by the STATE BOARD, copies of which may be obtained by addressing the Secretary at Springfield.]

Notification of Contagious Diseases:

Under the authority conferred upon the STATE BOARD OF HEALTH by Section 2 of the State Board of Health Act, it is ordered that on and after January 1, 1892, the first case of Small-Pox, Typhoid Fever, Asiatic Cholera or Yellow Fever occurring in any county, township, town or city in this State, as

also the prevalence and progress of *any* epidemic disease, shall be promptly reported to the BOARD by the local health authorities; it being borne in mind that in counties where township organization exists, the township board is the board of health, and in counties not under township organization, the county commissioners act in like capacity. Reports of first cases must be made immediately upon discovery; and of the progress of the disease from time to time—at least weekly. Forward all reports to the *Secretary State Board of Health, Springfield, Illinois.*

Transportation of Corpses:

RULES FOR THE TRANSPORTATION OF CORPSES BY RAILROADS AND STEAMBOATS IN THE STATE OF ILLINOIS.—*Rule 1.* The transportation* of the bodies of persons who have died of Small-Pox, Diphtheria, Asiatic Cholera or Yellow Fever, is absolutely forbidden

Rule 2. The bodies of those who have died of Scarlet Fever, Typhus or Typhoid Fever, shall be received for transportation only when wrapped in a disinfectant cercloth, placed in a close metallic or wooden coffin, and this enclosed in a tight wooden box. This rule shall be enforced throughout the entire year.

Rule 3. Between March 15th and November 15th no dead body shall be transported unless prepared in the manner set forth in *Rule 2*, above. But between November 15th and March 15th, all dead bodies may be transported without restriction, excepting the bodies of those who have died of Scarlet Fever, Typhus or Typhoid Fever, which must be prepared in accordance with *Rule 2* at all seasons: and excepting the bodies of those who have died of Small-Pox, Diphtheria, Asiatic Cholera or Yellow Fever, which may not be transported at any season in any public conveyance.

Rule 4. Every dead body received for transportation must be accompanied by (1) a physician's certificate, showing cause of death, or a certificate of inquest from the coroner, or a permit for transportation (stating cause of death) from the clerk of the local board of health; and (2) by a written certificate from the shipping undertaker, that the corpse has been prepared for transportation in accordance with the foregoing rules of the ILLINOIS STATE BOARD OF HEALTH.

*By public conveyance.